is there was a substantial equivalency of requirement for local governmental motion. Now there is no such equivafency and differentiation has become an sheolutely essential government prin-

That a city like Memphis or Nashwille, or those of like importance, should be subjected to an antiquated contrivte an extortion and tribute to an ex- Circuit Court of Davidson county, chaquer controlled by other people than the urban population. If we should conorisons, they county prisons; we city of law and equity. courts, they county courts; and so on to the end. Or at least we should have the power at Nashville to regulate by law list shows up as follows: all these details according to our conditions, and there should be no so-called constitutional hindrances in all the vast shown in of local administration to each locality, according to its wants.

We want a constitutional convention te smash the shackles of so-called con- tically combine the jurisdiction which stitutional restrictions upon the su- is divided between the Circuit and premacy of the people in their recurring | Chancery Courts in Tennessee. General Assemblies more than we want it for any other purpose. We want to get away from the fads of conceited men who think they can govern by salary list is as follows: "loonstitutional law" better than the coming people can govern by "statute law." Our constitutions have become fuge statutes that are inconvenient, cumbrous, oppressive and often little less than ludicrous in their operation because "the wisdom of our fathers" has become demonstrated ignorance to science of government as in other of a constitution and to that furnished us by our ancestors we have added scarcely anything of value.

Connecticut got along for nearly fifty years after the Declaration of Independence without any constitution other than iss charter from King Charles IL, Georgia ....... 1,807,353 and a bill of rights expressed in less than two hundred words.

If we reverse the idea of devising newthe cranks and reformers who have no convention of 1876. confidence in popular government out of people as possible, the fear that "the to put her into the dry docks to clean | Courts. the foul bottom, if nothing else.

E S. HAMMOND. March 3, 1897. TENNESSEE'S JUDICIAL SYSTEM.

Adopted the Reformed Procedure.

In compliance with a request from The News for a brief article on the question as to whether or not the judicial system of Tennessee should be reformed, and if so, whether such reform can be accomplished without a change of the State constitution, I would say:

Section 1 of Article 6 of the present constitution provides that the "judicial power of this State shall be vested in one superior court, and in such circuit, chancery and other inferior courts as the legislature shall, from time to time, ordain and establish," etc.

Section 2 of the same article provides that the Supreme Court shall consist of five judges, and that "said court shall be held at Knoxville, Nashville and Jackson." Section 3 prescribes the manner of electing "judges of the Supreme Court," and section 4 the manner and Chancery Courts," etc.

These sections, according to the holding of the Supreme Court (2 Les 319) exact the preservation of the system of Circuit and Chancery Courts and prevent that wise and economical adoption of the reformed procedure and blending of importance. With a judicial salary list the courts of law and equity which has taken place in thirty-eight States of the

Union seems to have followed suit excopt the States of Alabama, Mississippi, form in our judicial system. New Jersey, Tennessee and Vermont,

pay roll in Tennessee with the amounts satisfactory.

of their salaries for the current year,

Courts.	No. of Judges.	Salaries Each.	Total
Bujreme 5		\$3,509	\$ 17,50
Criminal 5		2,500	10,50 13,50
	- 77		1000

Thus the salaries of the regular judges ances like our county courts is monstrous and chancellors aggregate \$123,000 per when we come to think of it, and the annum, and each succeeding legislature time might come when revolution would seems disposed to add to the number of be a just remedy, if there were no other judges. The General Assembly of 1895 to be rid of such a burlesque upon mu- created five new judges, three for the micipal agencies. It might be better to Court of Chancery Appeals, one for the be a "free city." Every dollar paid by new Criminal Court for the Eleventh a citizen of Memphis to county taxation Judicial Circuit and one for the Second

The fact that there should be a reform of our judicial system and a reductribute to the building of adjacent roads | tion of the number of judges most aut into the country let the proper pro- clearly appears from a comparison with portion be fixed and paid by appropriate the adjoining States of Georgia and us, and it fell short in many instances law. The county should not contribute North Carolina, both of which have of what our constitution should be. As to our criminal costs or like expenses, adopted the reformed procedure and to the time when a new constitution mor we to theirs; we should have city | abolished the distinction between courts | should be presented and voted upon is a

In Georgia the regular judicial salary

Sup	Courts, Supreme Superior	No of Judges,	Salaries Each, \$3,000 2,000	Total. \$ 9,000 45,000
		26		\$55,000
	What Superstan	Comme	OF WOLLD	

North Carolina. There are no separate courts of equity

in North Carolina, and as a result the No. of Salaries Total.

Each. \$2,750 Judges. \$13,700 2,750

Recapitulations.

The population of the three States of Tennessee, Georgia and North Carolina the wiser sons who know of things the is practically the same in number, charfathers never knew, as well as in the acter and situation, and there is no reason why there should be more litigation things. An irrepealable bill of rights in Tennessee than in the other two. is about all we actually need in the way | The comparative population (federal census of 1890) and aggregate annually paid to the judges in each of the three States will more clearly appear from the following:

Salary No. of State. Population. Judges. Aggregate North Carolina 1,617,947 \$ 40,750 Tennessee ..... 1,767,518 123,000

Georgia, with a larger population and more wealth than Tennessee, pays fangled constitutional restrictions and \$68,000 a year less in the way of judicial set about lopping off most that modern salaries, while North Carolina, with a cranks have imposed upon us there little less population, pays \$76,250 less. might be some improvement in our Yea, if our figures and information are legislative activities. Responsibility correct, the unfortunate taxpayers of to a now existing or then present public Tennessee, under the separate law and opinion is all we can get last out of equity system, are forced every year to government, and the best we need to, pay judicial salaries exceeding the comget. Mistakes can be corrected and bined amounts paid for the same purwise laws be perpetuated only by that pose by the people of both the States of gublic opinion. . Let us have a consti- Georgia and North Carolina, by the neat tutional convention to rid ourselves of sum of \$21,250, an amount nearly equal too much constitution, and if we keep the alleged expense of the constitutional

A constitutional change abolishing the convention we need not fear the re- the separate courts of law and equity sult. If we start with an understanding | would not only save about \$50,000 per shat we are to have as little constitution annum in judicial salaries under proper and as much freedom of action for the legislation, but it would relieve the people from the burden of supporting convention will do some fool thing" will one extra clerk in each of the ninetybe reduced to the minimum. As it is six counties, as there would be no need now, the "ship of state" called "Tennes- for both a clerk and master and Circuit see" cuts the most pitiable figure of the Court clerk, for the court which would whole fleet that floats upon the seas of combine the jurisdiction now separately constitutional navigation. We ought exercised by the Circuit and Chancery

In fact the clerk of the Superior Court in each county in Georgia, being exofficio register of deeds, performs and combines in himself, under the reformed procedure, the functions of three Comparisons With States That Have of the most expensive and important county offices in Tennessee, viz: chancary clerk, circuit clerk and county reg-

There is a difference of opinion as to whether the new court of Chancery Appeals, which has fastened an additional burden of \$10,500 per annum on the shoulders of the taxpayers, is a necessity, even under the present regime, and certainly it would not be necessary under a new constitution which would fix the sittings of the Supreme Court at one place, and allow the establishment of a modern, improved and simplified system of courts and court procedure. It seems to be the general opinion of our best informed lawyers:

1. That the Supreme Court should sit at the capital only.

2. That the county court, which is enormously expensive and cumbersome, of electing "the judges of the Circuit and which is fixed in the constitution,

should be abolished. 3. That separate courts of law and

chancery should be blended into one. None of these things can be done without a new or amended constitution, and they are all of great and increasing amounting to \$123,000 yearly, which is being biennially increased by nearly every legislature, and which is more New York adopted the reformed code than double the amount paid for the of civil procedure and abolished the sep- same purpose by our adjacent state of arate courts of law and equity in 1818, greater wealth and population, it is cerand since that time every State in the | tainly high time to take steps in the direction of constitutional and radical re-

If the government of Tennessee is to and some of these may have lately done | be hereafter administered in the interest of the people who pay the taxes and Tennessee must stick to the anti- bear the burdens of government, then a quated and cumbersome system until new constitution is greatly needed. It, she can change her constitution. As a on the other hand, the state governresult we have about twice as many ment is to be continued for the sole and judges and clerks as are really neces- poculiar benefit of those who consume sary. The people pay heavily in the the taxes and thrive and fatten at the aggregate and the individual jedges are public crib, then indeed may the situation under the existing state charter, The number of regular judges on the be considered highly and completely

JOHN H. CANTRELL.

VIEWS OF CONGRESSMEN.

The Hope of the State Lies in a New Con-

Washington, Jan. 16, 1897 .- (Special.) Too much weight can hardly be given to what Senator Bate has to say. He is the only member of the delegation who \$123,601 has been governor since the adoption of the present constitution and, constantly conscientious as he has always been, his study and experience as chief executive during two terms have impressed deeply upon him the defects of the present fundamental law. When seen by me Senator Bate said in response to my request for an expression.

The Necessity Great-

"That there is necessity for changes in the constitution of Tennessee there can be no question. The present one was adopted when we were just from under military rule, with its influence yet upon matter of which the representatives in the legislature, fresh from the people, are the better judges, but in answer to your categorical question I say I am in favor of a new constitution in Tennes-

Senator Harris spoke as follows: "Without going into details of discussion, I will say generally that I favor the calling of a convention looking to the correction of certain defects in the State constitution which prevent the present instrument from responding most wisely to present conditions." Here is what Hon. W. C. Anderson

(Rep.) of the First district wrote: "To give one's reason for favoring a constitutional convention would require much time and space, so I will abbreviate by saying I favor it for many reasons. I recognize in this question only the general welfare of the State, and do not look upon it from a partisan or poli-tical standpoint."

When Congressman Patterson, of the Tenth, was approached, he dictated the following:

"I have for some years past favored a constitutional convention. The present constitution is practically as old as the State. In view of the geography of the State, there was some reason for holding the supreme court in each grand division of the State, but now, with existing means of transportation, the supreme court ought to hold its sessions at the capital and the attorney-general ought to reside at the capital, as the law officer of the State government. Furthermore, I believe the constitution ought to be so amended as to give more en-couragement to the development of the State. It is absurd to tax both the capital stock and property of manufactur-ing companies. Requirements such as this drive capital and enterprise from the State. There are many other reawhich might be suggested had I more

Hon. James D. Richardson gave me the following:

"I have read the dispatch of Col. Cox, expressing himself upon the wisdom of making some changes in the Tennessee constitution, and will say that I concur in what he has sold." Here is an expression from Congress-

man Cox of the Seventh:
"I think our State constitution is very defective and it should be cor-It was adopted in what was practically war times, and does not respond to present conditions. I think it very seriously defective." Hon. J. C. McDearmon handed me

this: "I am in favor of a constitutional convention in Tennessee. The constitution of 1870 was adopted only a few years after the close of the late war between the States, and under circumstances and conditions not propitious for that thoughful deliberation and consideration necessary for the construction of the constitution of a great State like Tennessee. But the convention was composed of many of the ablest and most patriotic men of the State, and their handiwork will be an enduring monument to their exalted intelligence and broad statesmanship. The constitution has most admirably served its day and generation, but since its ratifi-cation marvelous progress has been made in every department of civiliza-tion; wonderful inventions have wrought great changes in the arts and sciences and in habits and customs of our people. Our population has been greatly in creased and our aggregate wealth im-mensely augmented since 1870, and my judgment is that the time has arrived when that ancient but honorable docu-ment should be revised and changed so as to conform to the new era which has dawned upon our country since it was adopted

"I also think that the present is an auspicious time for the selection of del egates to a convention and for the con ideration of a new constitution. We have just passed through an unusually exciting political campaign, and the minds of the people are comparatively free from rancorous partisan prejudices. The reign of political demagogues has at least for a time, passed away. Intel-ligence and true worth are largely in the ascendant as the controlling influ-ence in political parties, and I believe that if a constitutional convention is provided for its membership will em-brace our most intelligent and patriotic men, and that they will submit a con-stitution for ratification of the people which will represent the best thought of the age and will be acceptable to all progressive and patriotic citizens, re-gardless of party affiliations or political

Hon. E. W. Carmack, now congressman from the Tenth District, under date of April 13, says:

State constitutions are intended primarily to restrict the law-making power and to that extent they limit the right of self-government. Such restrictions should be from and of a broad, perma-nent and fundamental character. The chief cause of complaint against present constitution is that it forbids the people to make many laws accessary to their welfare. Those favoring a new constitution do not seek to embody therein any particular system, but only to remove certain existing restrictions and thereby give the people larger liberty of legislation if they choose to exercise it. The new constitution will impose no new laws on the people; it will simply give them more power to make laws. It will extend the right of self-government. I believe many of the restrictions of the present constitution are out of harmony with the industrial and nommercial conditions of the time Therefore I favor a new constitution.

JEWELER. MULFORD

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